

chewing the chewing gum for at least 2 minutes in a buccal cavity of an individual chewing the chewing gum.

### REMARKS

This amendment is submitted in response to the Office Action mailed May 31, 2001. The Office Action rejects Claims 1-12 and 19-22 under 35 USC §112 and 102 or 103. In the response independent Claims 1, 7 and 19 have been amended. In view of the amendments to the claims and for the reasons set forth below, Applicants respectfully submit the rejections have either been overcome or are improper.

Claims 1, 12 and 19-22 stand rejected under 35 USC §112 as allegedly being indefinite. Applicants respectfully submit that this rejection is not proper. However, in view of the amendment to independent Claims 1, 7 and 19 this rejection is clearly moot. Therefore Applicants respectfully request that the rejection be withdrawn.

Claims 1, 2, 4 and 7-9 stand rejected under 35 USC §112 as being unpatentable over U.S. Patent No. 4,639,368 (*Niazi*), and Claims 1-12 and 19-22 stand rejected under 35 USC §103 as being unpatentable over *Niazi*. Applicants respectfully submit that *Niazi* clearly neither discloses nor suggests the invention prior to this Amendment After Final. However, in the spirit of cooperation, all the claims have been amended to clearly define over *Niazi*. In this regard, each of the pending claims is limited to a chewing gum consisting of specific ingredients. This consisting of language specifically excludes a component such as the carbon dioxide generator of *Niazi*. Accordingly, none of the claims are anticipated by *Niazi*.

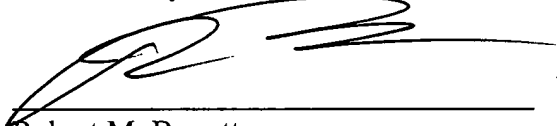
Nor is there any suggestion in *Niazi* that such a carbon dioxide generator could be removed. Indeed, in *Niazi* the carbon dioxide generator is believed to be necessary to provide a

local, topical anesthesia effect. This effect serves to mask any undesirable off-taste that may result from the release of the medicament into the mouth. See column 5, lines 3-6 of *Niazi*.

In contrast, Applicants' claimed invention relies on flavors and sweeteners to mask any off-taste. This provides a product that in Applicants' opinion is easier to manufacture and more commercially viable. Therefore, Applicants respectfully submit that the claimed invention is both novel and non-obvious over *Niazi*.

Accordingly, Applicants respectfully request that the rejections under 35 USC §§102 and 103 be withdrawn. For the foregoing reasons Applicants respectfully request reconsideration of their patent application and earnestly solicit an early allowance of same.

Submitted by,



Date: August 9, 2001

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